

From AB 669:	<p><u>Section 14837 of the Government Code is amended to read:</u></p> <p><b>14837.</b> As used in this chapter:</p> <p>(a) "Department" means the Department of General Services.</p> <p>(b) "Director" means the Director of General Services.</p> <p>(c) "Manufacturer" means a business that is both of the following:</p> <p>(1) Primarily engaged in the chemical or mechanical transformation of raw materials or processed substances into new products.</p> <p>(2) Classified between Codes 2000 to 3999, inclusive, of the Standard Industrial Classification (SIC) Manual published by the United States Office of Management and Budget, 1987 edition.</p> <p>(d) (1) "Small business" means an independently owned and operated business that is not dominant in its field of operation, the principal office of which is located in California, the officers of which are domiciled in California, and that, together with affiliates, has 100 or fewer employees, and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years, or is a manufacturer, as defined in subdivision (c), with 100 or fewer employees.</p> <p>(2) "Microbusiness" is a small business that, together with affiliates, has average annual gross receipts of two million five hundred thousand dollars (\$2,500,000) or less over the previous three years, or is a manufacturer, as defined in subdivision (c), with 25 or fewer employees.</p> <p>(3) The director shall conduct a biennial review of the average annual gross receipt levels specified in this subdivision and may adjust that level to reflect changes in the California Consumer Price Index for all items. To reflect unique variations or characteristics of different industries, the director may establish, to the extent necessary, either higher or lower qualifying standards than those specified in this subdivision, or alternative standards based on other applicable criteria.</p> <p>(4) Standards applied under this subdivision shall be established by regulation, in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2, and shall preclude the qualification of businesses that are dominant in their industry. <b>In addition, the standards shall provide that the certified small business or microbusiness shall provide goods or services that contribute to the fulfillment of the contract requirements by performing a commercially useful function, as defined below:</b></p> <p>(A) <b>A certified small business or microbusiness is deemed to perform a commercially useful function if the business does all of the following:</b></p> <p>(i) <b>Is responsible for the execution of a distinct element of the work of the contract.</b></p>
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	<p>....continued from previous page.....</p> <p><b>(II) Carries out its obligation by actually performing, managing, or supervising the work involved.</b></p> <p><b>(III) Performs work that is normal for its business services and functions.</b></p> <p><b>(ii) Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.</b></p> <p><b>(B) A contractor, subcontractor, or supplier will not be considered to perform a commercially useful function if the contractor's, subcontractor's, or supplier's role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of small business or microbusiness participation.</b></p> <p><b>(e) "Disabled veteran business enterprise" means an enterprise that has been certified as meeting the qualifications established by subdivision (g) of Section 999 of the Military and Veterans Code.</b></p>
From AB 669	<p><u>Section 14838.6 of the Government Code is <b>repealed</b>.</u></p> <p>(Note – this was the old definition of DVBE. Here is the language that will be repealed as of 1/1/04:</p> <p>14838.6. (a) For purposes of this chapter, "disabled veteran-owned small business" means a small business concern which is all of the following:</p> <p>(1) At least 51 percent owned by one or more disabled veterans.</p> <p>(2) Managed by, and the daily business operations are controlled by, one or more disabled veterans.</p> <p>(b) For purposes of this section, "disabled veteran" means a person to whom both of the following apply:</p> <p>(1) The person has served in the United States Air Force, Army, Navy, Marine Corps, or Coast Guard in time of war, or national emergency declared by the President of the United States of America, and who has been discharged or released under honorable conditions.</p> <p>(2) The person is currently declared by the United States Veterans Administration to be 10 percent or more disabled as a result of service in the armed forces.).</p>

<p>From AB 669</p>	<p><u>Section 14839 of the Government Code is amended to read:</u></p> <p><b>14839.</b> There is hereby established within the department the <b>Office of Small Business and Disabled Veteran Business Enterprise Services</b>. The duties of the office shall include:</p> <p>(a) Compiling and maintaining a comprehensive bidders list of qualified small businesses <b>and disabled veteran business enterprises</b>, and noting which small businesses also qualify as microbusinesses.</p> <p>(b) Coordinating with the Federal Small Business Administration, the Minority Business Development Agency, and the Office of Small Business Development of the Department of Economic and Business Development.</p> <p>(c) Providing technical and managerial aids to small businesses, microbusinesses, <b>and disabled veteran business enterprises</b>, by conducting workshops on matters in connection with government procurement and contracting.</p> <p>(d) Assisting small businesses, microbusinesses, <b>and disabled veteran business enterprises</b>, in complying with the procedures for bidding on state contracts.</p> <p>(e) Working with appropriate state, federal, local, and private organizations and business enterprises in disseminating information on bidding procedures and opportunities available to small businesses, microbusinesses, <b>and disabled veteran business enterprises</b>.</p> <p>(f) Making recommendations to the department and other state agencies for simplification of specifications and terms in order to increase the opportunities for small business, microbusiness, <b>and disabled veteran business enterprise participation</b>.</p> <p>(g) Develop, by regulation, other programs and practices that are reasonably necessary to aid and protect the interest of small businesses, microbusinesses, <b>and disabled veteran business enterprises</b> in contracting with the state.</p> <p>(h) The information furnished by each contractor requesting a small business or microbusiness preference shall be under penalty of perjury.</p>
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From AB 669	<p><u>Section 14842 of the Government Code is amended to read:</u></p> <p><b>14842.</b> (a) A business that has obtained classification as a small business or microbusiness by reason of having furnished incorrect supporting information or by reason of having withheld information, and that knew, or should have known, the information furnished was incorrect or the information withheld was relevant to its request for classification, and that by reason of that classification has been awarded a contract to which it would not otherwise have been entitled, shall do all of the following:</p> <p>(1) Pay to the state any difference between the contract amount and what the state's costs would have been if the contract had been properly awarded.</p> <p>(2) In addition to the amount described in subdivision (a), be assessed a penalty in an amount of not more than 10 percent of the amount of the contract involved.</p> <p>(3) Be ineligible to transact any business with the state <b>either directly as a prime contractor or indirectly as a subcontractor</b>, for a period of not less than three months and not more than 24 months. <b>State agencies may reject the bid of a supplier offering goods, information technology, or services manufactured or provided by a subcontractor if that subcontractor has been declared ineligible to transact any business with the state under this chapter, even though the bidder is a business in good standing.</b></p> <p>(b) All payments to the state pursuant to paragraph (1) of subdivision (a) shall be deposited in the fund out of which the contract involved was awarded.</p> <p>(c) All payments to the state pursuant to paragraph (2) of subdivision (a) shall be deposited in the state General Fund.</p> <p><b>(d) The small business certification of a business found to have violated the provisions of subdivision (a) shall be revoked for a period of not less than one year. For an additional or subsequent violation, the period of certification revocation or suspension shall be extended for a period of up to three years. The revocation shall apply to the principals of the business and any subsequent businesses formed by those principals.</b></p> <p>(e) Prior to the imposition of any sanctions under this article, a business shall be entitled to a public hearing and to at least five working days' notice of the time and place thereof. The notice shall state the reasons for the hearing.</p>
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From AB 669	<p><u>Section 14842.5 of the Government Code is amended to read:</u></p> <p><b>14842.5.</b> (a) It shall be unlawful for a person to do any of the following:</p> <p>(1) Knowingly and with intent to defraud, fraudulently obtain, retain, attempt to obtain or retain, or aid another in fraudulently obtaining or retaining or attempting to obtain or retain, certification as a small business or microbusiness enterprise for the purposes of this chapter.</p> <p>(2) Willfully and knowingly make a false statement with the intent to defraud, whether by affidavit, report, or other representation, to a state official or employee for the purpose of influencing the certification or denial of certification of any entity as a small business or microbusiness enterprise.</p> <p>(3) Willfully and knowingly obstruct, impede, or attempt to obstruct or impede, any state official or employee who is investigating the qualifications of a business entity that has requested certification as a small business or microbusiness enterprise.</p> <p>(4) Knowingly and with intent to defraud, fraudulently obtain, attempt to obtain, or aid another person in fraudulently obtaining or attempting to obtain, public moneys to which the person is not entitled under this chapter.</p> <p><b>(5) Knowingly and with intent to defraud, fraudulently represent certified small business or microbusiness participation in order to obtain or retain a bid preference or a state contract.</b></p> <p><b>(6) Knowingly and with intent to defraud, fraudulently represent that a commercially useful function is being performed by a certified small business or microbusiness in order to obtain or retain a bid preference or a state contract.</b></p> <p>(b) Any person who is found by the department to have violated any of the provisions of subdivision (a) is subject to a civil penalty of not more than five thousand dollars (\$5,000).</p> <p><b>(c) Any person who violates subdivision (a) shall, if certified as a small business or a microbusiness, have the business' certification revoked for a period of not more than one year, and shall, in addition to the penalties provided for in subdivision (b), be suspended from bidding on, or participating as a contractor, a subcontractor, or a supplier in, any state contract or project for a period of not less than three months nor more than 24 months. However, for an additional or subsequent violation, the period of certification revocation or suspension shall be extended for a period of up to three years. The certification revocation shall apply to the principals of the business and any subsequent businesses</b></p>
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From AB 669	<p><u>Section 999 of the Military and Veterans Code is amended to read:</u></p> <p><b>999.</b> As used in this article, the following definitions apply:</p> <p>(a) "Administering agency" means the Treasurer in the case of contracts for professional bond services, and the Department of General Services' <b>Office of Small Business and Disabled Veteran Business Enterprise Services</b>, in the case of contracts governed by Section 999.2.</p> <p>(b) "Awarding department" means any state agency, department, governmental entity, or other officer or entity empowered by law to issue bonds or enter into contracts on behalf of the State of California.</p> <p>(c) "Bonds" means bonds, notes, warrants, certificates of participation, and other evidences of indebtedness issued by or on behalf of the State of California.</p> <p>(d) "Contract" includes any agreement or joint agreement to provide professional bond services to the State of California or an awarding department. "Contract" also includes any agreement or joint development agreement to provide labor, services, material, supplies, or equipment in the performance of a contract, franchise, concession, or lease granted, let, or awarded for and on behalf of the State of California.</p> <p>(e) (1) "Contractor" means any person or persons, regardless of race, color, creed, national origin, ancestry, sex, marital status, disability, religious or political affiliation, or age, or any sole proprietorship, firm, partnership, joint venture, corporation, or combination thereof who submits a bid and enters into a contract with a representative of a state agency, department, governmental entity, or other officer empowered by law to enter into contracts on behalf of the State of California. "Contractor" includes any provider of professional bond services who enters into a contract with an</p>

	<p>....continued from previous page.....</p> <p>awarding department.</p> <p><b>(2) "Disabled Veteran Business Enterprise contractor, subcontractor, or supplier" means any person or entity that has been certified by the administering agency pursuant to this article and that performs a "commercially useful function," as defined below, in providing services or goods that contribute to the fulfillment of the contract requirements:</b></p> <p><b>(A) A person or an entity is deemed to perform a "commercially useful function" if a person or entity does all of the following:</b></p> <p><b>(i) (I) Is responsible for the execution of a distinct element of the work of the contract.</b></p> <p><b>(II) Carries out the obligation by actually performing, managing, or supervising the work involved.</b></p> <p><b>(III) Performs work that is normal for its business services and functions.</b></p> <p><b>(ii) Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.</b></p> <p><b>(B) A contractor, subcontractor, or supplier will not be considered to perform a commercially useful function if the contractor's, subcontractor's, or supplier's role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of disabled veteran business enterprise participation.</b></p> <p><b>(f) "Disabled veteran" means a veteran of the military, naval, or air service of the United States, including, but not limited to, the Philippine Commonwealth Army, the Regular Scouts ("Old Scouts"), and the Special Philippine Scouts ("New Scouts"), who has at least a 10 percent service-connected disability and who is domiciled in the State of California.</b></p> <p><b>(g) (1) "Disabled veteran business enterprise" means a business certified by the administering agency as meeting all of the following requirements:</b></p> <p><b>(A) It is a sole proprietorship at least 51 percent owned by one or more disabled veterans or, in the case of a publicly owned business, at least 51 percent of its stock is owned by one or more disabled veterans; a subsidiary which is wholly owned by a parent corporation, but only if at least 51 percent of the voting stock of the parent corporation is owned by one or more disabled veterans; or a joint venture in which at least 51 percent of the joint venture's management and control and earnings are held by one or more disabled veterans.</b></p>
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	<p>....continued from previous page.....</p> <p>(B) The management and control of the daily business operations are by one or more disabled veterans. The disabled veterans who exercise management and control are not required to be the same disabled veterans as the owners of the business.</p> <p>(C) It is a sole proprietorship, corporation, or partnership with its home office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign-based business.</p> <p>(2) Notwithstanding paragraph (1), after the death or the certification of a permanent medical disability of a disabled veteran who is a majority owner of a business that qualified as a disabled veteran business enterprise prior to that death or certification of a permanent medical disability, and solely for purposes of any contract entered into before that death or certification, that business shall be deemed to be a disabled veteran business enterprise for a period not to exceed three years after the date of that death or certification of a permanent medical disability, if the business is inherited or controlled by the spouse or child of that majority owner, or by both of those persons.</p> <p>(h) "Foreign corporation," "foreign firm," and "foreign-based business" means a business entity that is incorporated or has its principal headquarters located outside the United States of America.</p> <p>(i) "Goal" means a numerically expressed objective that awarding departments and contractors are required to make efforts to achieve.</p> <p>(j) "Management and control" means effective and demonstrable management of the business entity.</p> <p>(k) "Professional bond services" include services as financial advisers, bond counsel, underwriters in negotiated transactions, underwriter's counsel, financial printers, feasibility consultants, and other professional services related to the issuance and sale of bonds.</p>
From SB 1008	<p><u>Section 999.2 of the Military and Veterans Code is amended to read:</u></p> <p><b>999.2.</b> (a) Notwithstanding any other provision of law, contracts awarded by any state agency, department, officer, or other state governmental entity, including school districts when they are expending state funds for construction, professional services (except those subject to Chapter 6 (commencing with Section 16850) of Part 3 of Division 4 of Title 2 of the Government Code), materials, supplies, equipment, alteration, repair, or improvement shall have statewide participation goals of not less than 3 percent</p>



	<p>....continued from previous page.....</p> <p>for disabled veteran business enterprises. These goals apply to the overall dollar amount expended each year by the awarding department.</p> <p><b>(b) For purposes of this section:</b></p> <p><b>(1) "Broker" or "agent" means any individual or entity, or any combination thereof, that does not have title, possession, control, and risk of loss of materials, supplies, services, or equipment provided to an awarding department, unless one or more certified disabled veterans has 51 percent ownership of the quantity and value of the materials, supplies, services, and of each piece of equipment provided under the contract.</b></p> <p><b>(2) "Equipment" means any piece of equipment that is used or provided for rental to any state agency, department, officer, or other state governmental entity, including equipment for which operators are provided.</b></p> <p><b>(3) "Equipment broker" means any broker or agent who rents equipment to an awarding department.</b></p> <p><b>(c) A disabled veteran business enterprise that rents equipment to an awarding department shall be deemed to be an equipment broker unless one or more disabled veterans has 51-percent ownership of the quantity and the value of each piece of equipment. If the equipment is owned by one or more disabled veterans, each disabled veteran owner shall, prior to performance under any contract, submit to the awarding department a declaration signed by the disabled veteran owner stating that the owner is a disabled veteran and providing the name, address, telephone number, and tax identification number of the disabled veteran owner. Each disabled veteran owner shall submit his or her federal income tax returns to the administering agency pursuant to subdivision (g) as if he or she were a disabled veteran business enterprise. The disabled veteran business enterprise of a disabled veteran owner who fails to submit his or her tax returns will be deemed to be an equipment broker.</b></p> <p><b>(d) A disabled veteran business enterprise that rents equipment to an awarding department shall, prior to performing the contract, submit to the awarding department a declaration signed by each disabled veteran owner and manager of the enterprise stating that the enterprise obtained the contract by representing that the enterprise was a disabled veteran business enterprise meeting and maintaining all of the requirements of a disabled veteran business enterprise. The declaration shall include the name, address, telephone number, and tax identification number of the owner of each</b></p>
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piece of equipment identified in the contract.

(e) State funds expended for equipment rented from equipment brokers pursuant to contracts awarded under this section shall not be credited toward the 3-percent goal.

(f) A disabled veteran business enterprise that is a broker or agent and that obtains a contract pursuant to subdivision (a) shall, prior to performing the contract, disclose to the awarding department that the business is a broker or agent. The disclosure shall be made in a declaration signed and executed by each disabled veteran owner and manager of the enterprise, declaring that the enterprise is a broker or agent, and identifying the name, address, and telephone number of the principal for whom the enterprise is acting as a broker or agent.

(g) (1) A disabled veteran business enterprise, and each owner thereof, shall, at the time of certification, submit to the administering agency complete copies of the enterprise's federal income tax returns for the three previous tax years.

(2) A disabled veteran business enterprise, and each owner thereof, shall submit to the administering agency complete copies of the enterprise's federal income tax returns that have a postcertification due date, on or before the due date, including extensions.

(3) A disabled veteran business enterprise that, and each owner thereof who, has not submitted to the administering agency complete copies of the enterprise's federal income tax returns for the three tax years preceding certification nor for each postcertification tax year for which a return was required to be filed, shall have 90 days to submit those returns.

(4) A disabled veteran business enterprise that fails to comply with any provision of this subdivision shall be prohibited from participating in any state contract until the disabled veteran business enterprise complies with the provisions of this subdivision.

Funds expended involving a disabled veteran business enterprise during any period in which that enterprise is not in compliance with the provisions of this subdivision shall not be credited toward the awarding department's 3-percent goal.

(h) A disabled veteran business enterprise that fails to maintain the certification requirements set forth in this article shall immediately notify the awarding department and the administering agency of that failure by filing a notice of failure that states with particularity each requirement the disabled veteran business enterprise has failed to maintain.

From SB 1008	<p><u>Section 999.5 of the Military and Veterans Code is amended to read:</u></p> <p><b>999.5.</b> (a) The administering agency shall establish a method of monitoring adherence to the goal specified in Section 999.1, including requiring a followup report from all contractors upon the completion of any sale of bonds.</p> <p>(b) The awarding department shall establish a method of monitoring adherence to the goals specified in Section 999.2.</p> <p><b>(c) An awarding department shall not credit toward the department's 3 percent goal state funds expended on a contract with a disabled veteran business enterprise that does not meet and maintain the certification requirements.</b></p> <p>(d) The administering agency shall adopt rules and regulations, including standards for good faith efforts, for the purpose of implementing this section. Emergency regulations consistent with this section may be adopted.</p>
From AB 669	<p><u>Section 999.6 of the Military and Veterans Code is amended to read:</u></p> <p><b>999.6.</b> In implementing this article, the awarding department shall utilize existing resources such as the <b>Office of Small Business and Disabled Veteran Business Enterprise Services</b>, the Department of Veterans Affairs, the federal Department of Veterans Affairs, and the Small Business Administration.</p>
From SB 1008	<p><u>Section 999.7 of the Military and Veterans Code is amended to read:</u></p> <p><b>999.7.</b> (a) (1) On January 1 of each year, each awarding department shall report to the Governor, the Legislature, the Department of General Services, and the Department of Veterans Affairs on the level of participation by disabled veteran business enterprises in contracts identified in this article for the previous fiscal year.</p> <p>(2) If the awarding department has not met the established goals for that year, the awarding department shall report to the Legislature, the Department of General Services, and the Department of Veterans Affairs the reasons for the awarding department's inability to achieve the goals and shall identify steps it shall take in an effort to achieve the goals.</p> <p>(b) On April 1 of each year, the Department of General Services shall prepare for the Governor, the Legislature, and the Department of Veterans Affairs a statewide statistical summary detailing each awarding department's goal achievement and a statewide total of those goals.</p>

From SB 1008	<p><u>Section 999.9 of the Military and Veterans Code is amended to read:</u></p> <p><b>999.9.</b> (a) It shall be unlawful for a person to:</p> <p>(1) Knowingly and with intent to defraud, fraudulently obtain, retain, attempt to obtain or retain, or aid another in fraudulently obtaining or retaining or attempting to obtain or retain, certification as a disabled veteran business enterprise for the purpose of this article.</p> <p>(2) Willfully and knowingly make a false statement with the intent to defraud, whether by affidavit, report, or other representation, to a state official or employee for the purpose of influencing the certification or denial of certification of any entity as a disabled veteran business enterprise.</p> <p>(3) Willfully and knowingly obstruct, impede, or attempt to obstruct or impede, any state official or employee who is investigating the qualifications of a business entity that has requested certification as a disabled veteran business enterprise.</p> <p>(4) Knowingly and with intent to defraud, fraudulently obtain, attempt to obtain, or aid another person in fraudulently obtaining or attempting to obtain, public moneys, <b>contracts, or funds expended under a contract, that are awarded by any state agency, department, officer, or other state governmental agency</b>, to which the person is not entitled under this article.</p> <p>(5) Knowingly and with intent to defraud, fraudulently represent participation of a disabled veteran business enterprise in order to obtain or retain a bid preference or a state contract.</p> <p><b>(6) Willfully and knowingly make or subscribe to any statement, declaration, or other document that is fraudulent or false as to any material matter, whether or not that falsity or fraud is committed with the knowledge or consent of the person authorized or required to present the declaration, statement, or document.</b></p> <p><b>(7) Willfully and knowingly aid or assist in, or procure, counsel, or advise, the preparation or presentation of a declaration, statement, or other document that is fraudulent or false as to any material matter, regardless of whether that falsity or fraud is committed with the knowledge or consent of the person authorized or required to present the declaration, statement, or document.</b></p> <p><b>(8) Willfully and knowingly fail to file any declaration or notice with the awarding agency that is required by Section 999.2.</b></p> <p>(9) Establish, or knowingly aid in the establishment of, or exercise control over, a firm found to have violated any of paragraphs (1) to (8), inclusive.</p>
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(b) Any person who violates any of the provisions of subdivision (a) shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months or by a fine not exceeding one thousand dollars (\$1,000), or by both. In addition, the person shall be liable for a civil penalty of **not less than ten thousand dollars (\$10,000) nor more than thirty thousand dollars (\$30,000) for the first violation, and a civil penalty of not less than thirty thousand dollars (\$30,000) nor more than fifty thousand dollars (\$50,000) for each additional or subsequent violation. A defendant who violates any of the provisions of subdivision (a) shall pay all costs and attorney's fees incurred by the plaintiff in a civil action brought pursuant to this section.**

(c) (1) **The Department of General Services shall suspend any person who violates subdivision (a) from bidding on, or participating as either a contractor, subcontractor, or supplier in, any state contract or project for a period of not less than three years, and if certified as a disabled veteran business enterprise, the department shall revoke the business' certification for a period of not less than three years. An additional or subsequent violation shall extend the periods of suspension and revocation for a period of not less than five years. The suspension and revocation shall apply to the principals of the business and any subsequent business formed or financed by, or affiliated with, those principals.**

(2) The Department of General Services shall prohibit any business or person who fails to satisfy the penalties, costs, and attorney's fees imposed pursuant to subdivision (b) from further contracting with the state until the penalties are satisfied.

(d) The awarding department shall report all alleged violations of this section to the Department of General Services. The Department of General Services shall subsequently report all alleged violations to the Attorney General who shall determine whether to bring a civil action against any person or firm for violation of this section.

(e) The Department of General Services shall monitor the status of all reported violations and shall maintain and make available to all state departments a central listing of all firms and persons who have been determined to have committed violations resulting in suspension.

(f) No awarding department shall enter into any contract with any person suspended for violating this section during the period of the person's suspension. No awarding department shall award a contract to any contractor utilizing the services of any person as a

	<p>....continued from previous page.....</p> <p>subcontractor suspended for violating this section during the period of the person's suspension.</p> <p>(g) The awarding department shall check the central listing provided by the Department of General Services to verify that the person or contractor to whom the contract is being awarded, or any person being utilized as a subcontractor or supplier by that person or contractor, is not under suspension for violating this section.</p>
From SB 1008	<p><u>Section 10115.9 is added to the Public Contract Code, to read:</u></p> <p><b>10115.9. A limited liability company may be certified as a disabled veteran business enterprise pursuant to this article if the limited liability company is wholly owned by one or more disabled veterans.</b></p>